IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 15828 of 2004

Between:

B.Venkatesham S/o. Narsaiah, R/o. H.No.10-67 Alloor (P) Armoor (M), Nizamabad District.

..... PETITIONER

AND

1 Commissioner for cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
2 The Divisional Cooperative Officer Nizamabad, Nizamabad District.
3 The Chairman Committee of Person's In-charge
P.A.C.S Ltd, Aloor Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing the proceedings R.C.No.1/PIC/2004 dt.29.6.2004 as illegal, arbitrary and unjust and consequently set aside the proceedings R.C.NO.1/PIC/2004 dt.29.6.2004 .issued by the 3rd respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondents1 & 2: GP FOR COOPERATION

Counsel for the Respondent No.3: MR. CH. JANARDHAN REDDY.

The Court at the stage of admission made the following :

-

WRIT PETITION NO : 15828 of 2004

ORDER:

The petitioner is working as a Secretary in the 3rd respondent-society since 1979. There is an allegation of misappropriation of society funds to a tune of Rs.6,88,335/- against the petitioner, a former president and others. The 3rd respondent kept the petitioner under suspension as per the direction of the 2nd respondent pending enquiry regarding the misappropriation of the funds of the society. The petitioner approached this Court through this writ petition challenging the order of suspension and requesting to declare that the proceedings of the 3rd respondent dated 29.6.2004 keeping the petitioner under suspension as illegal, arbitrary and unjust. The petitioner contends that immediately after noticing the utilization of funds of the society without proper record and when the petitioner came to know that his liability was to an extent of Rs.1,23,335/-, he deposited the said amount into the account of the society. Despite that, the 3rd respondent resorted to keep him under suspension pending enquiry into the matter. The petitioner further submitted that he submitted a representation to the 3rd respondent on 31.7.2004 requesting to revoke the suspension order, in view of the remittance of the amount into the account of the society, and the 3rd respondent so far did not pass any orders on the said representation.

The 3rd respondent filed counter denying the allegations made in the writ petition.

The petitioner having made a representation to the 3rd respondent ought to have pursued the matter with the 3rd respondent instead of approaching this Court through this writ petition.

From the above facts and circumstances, it is held that the writ petition is premature and it cannot be maintained at this stage. The petitioner is at liberty to pursue the matter with the 3rd respondent regarding the representation made by him on 31.7.2004. The 3rd respondent is directed to consider the representation of the petitioner dated 31.7.2004, regarding his request for revocation of the suspension order, and pass appropriate orders within two weeks from the date of receipt of a

copy of this Order.

Accordingly, the writ petition is disposed of. No costs.

21st September, 2004

Nn.

Copies to:

1 The Commissioner for cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
2 The Divisional Cooperative Officer Nizamabad, Nizamabad District.
3 The Chairman, Committee of Person's In-charge
P.A.C.S Ltd, Aloor Nizamabad District.

4. Two copies to G.P. for Cooperation, High Court Buildings, High Court of A.P., Hyderabad (O.U.T)

5. Two C.D. copies.